

**REMARKS**

The Office Action dated November 30, 2007, and the patents and publications relied on therein have been carefully reviewed, and in view of the above changes and following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

Claims 1-28 stand rejected. Claims 1-32 are subject to a Restriction Requirement. By this Amendment, claims 1-3, 5, 7-10, 14-23, 25, 26 and 28 have been amended, and claims 29-32 have been withdrawn from consideration.

**The Restriction Requirement**

Applicant elects without traverse the claimed subject matter of Group I (claims 1-28), which is drawn to an apparatus and classified in Class 482, Subclass 27, and withdraw from consideration the claimed subject matter of Group II (claims 29-32), which is drawn to a method and classified in Class 482, Subclass 148.

**Amendments To The Specification**

Applicant has amended the specification, as set forth above, to address several informalities. It is noted that these changes are directed merely to form and minor informalities. Therefore, these changes do not narrow claim scope and no prosecution-history estoppel results from the amendments.

**Amendments To The Claims**

Applicant has amended claims 1-3, 5, 7-10, 14-23, 25, 26 and 28 to generally improve their respective forms in accordance with U.S. patent law.

Additionally, Applicant has amended claims 1, 15 and 25 to better distinguish the claimed subject matter over the applied art. In particular, each of claims 1, 15 and 25 now comprise “a flexible bed comprising an outer portion, an inner portion, a first axis of symmetry and a second axis of symmetry, the first and second axes of symmetry intersecting each other substantially perpendicularly, the outer portion being folded over and connected to the inner portion of the flexible bed to define a channel extending around a periphery of the flexible bed, the flexible bed being substantially continuous along a line from a first selected location on the

periphery to a second location on the periphery, the line intersecting both the first and second axes of symmetry.” Support for these amendments to claims 1, 15 and 25 can be found throughout the specification, for example, at least in paragraphs [0027] and [0028], and in Figures 1 and 3.

### **The Rejection Under 35 U.S.C. § 102(e) Over Plante**

Claims 1-8, 12-18 and 24 stand rejected under 35 U.S.C. § 102(e) as anticipated by Plante, U.S. Patent Application Publication No. 2003/0125163 A1.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 1-8, 12-18 and 24 is not anticipated by Plante. Further, Applicant respectfully submits that the subject matter according to any of claims 1-8, 12-18 and 24 is patentable over Plante.

Regarding claim 1, Applicant respectfully submits that Plante does not disclose or suggest the claimed flexible bed comprising a first axis of symmetry and a second axis of symmetry, such that the first and second axes of symmetry intersect each other substantially perpendicularly, and such that the flexible bed is formed from a single material that is substantially continuous along a line from a first selected location on the periphery to a second location on the periphery, such that the line intersects both the claimed first and second axes of symmetry.

In the rejection, the Examiner makes a reference to Figure 10 of Plante at page 2, lines 9-14, of the Office Action. Applicant respectfully submits that Figure 10 and the disclosure of Plante does not disclose or suggest the claimed flexible bed comprising a first axis of symmetry and a second axis of symmetry, such that the first and second axes of symmetry intersect each other substantially perpendicularly, and such that the flexible bed is formed from a single material that is substantially continuous along a line from a first selected location on the periphery to a second location on the periphery, such that the line intersects both the claimed first and second axes of symmetry. Moreover, none of Figures 1-10 of Plante disclose or suggest the claimed flexible bed comprising a first axis of symmetry and a second axis of symmetry, such that the first and second axes of symmetry intersect each other substantially perpendicularly, and such that the flexible bed is formed from a single material that is substantially continuous along a

line from a first selected location on the periphery to a second location on the periphery, such that the line intersects both the claimed first and second axes of symmetry.

Accordingly, claim 1 is allowable over Plante. It follows that claims 2-8 and 10-14, which each incorporate the features of claim 1, are each allowable over Plante for at least the same reasons that claim 1 is considered allowable.

Regarding claim 15, Applicant respectfully submits that claim 15 is allowable over Plante for at least the same reasons that claim 1 is considered allowable over Plante. Additionally, it follows that claims 16-18 and 24, which incorporate the features of claim 15, are each allowable over Plante for at least the same reasons that claim 15 is considered allowable.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 2-8, 10-14, 16-18 and 24.

**The Rejection Under 35 U.S.C. § 103(a) Over Plante**

Claims 19-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Plante.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 19-21 is patentable over Plante. In particular, Applicant respectfully submits that the Examiner's stated rationale relating to the manufacture of the Plante map/apron having a bonded edge as the basis for the claimed subject matter of claim 19-21 to have been obvious to one of ordinary skill in the art does not cure the deficiencies of Plante with respect to claim 15, the base claim of each of claims 19-21.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 19-21.

**The Rejection Under 35 U.S.C. § 103(a) Over Plante In View of Moeller**

Claims 1, 9 15 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Plante in view of Moeller, U.S. Patent No. 2,294,509.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 1, 9, 15 and 22 is patentable over Plante in view of Moeller. More specifically, Applicant respectfully submits that the Examiner's stated rationale relating to manufacturing the filament of metal as the basis for the claimed subject matter of claim 1, 9, 15 and 22 to have been obvious to one of ordinary skill in the art does not cure the

deficiencies of Plante with respect to claims 1 and 15, the respective base claims of claims 9 and 22. Accordingly, Applicant respectfully submits that it follows that the Examiner's stated rationale relating to manufacturing the filament of metal does not cure the deficiencies of Plante with respect to claims 9 and 22.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 9 and 22.

**The Rejection Under 35 U.S.C. § 103(a) Over Schulze, Jr. In View of Sidlinger**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Schulze, Jr., U.S. Patent No. 4,452,444, in view of Sidlinger, U.S. Patent No. 3,767,009.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to claim 10 is patentable over Schulze, Jr. in view of Sidlinger. For that matter, Applicant respectfully submits that the subject matter according to claim 1, the base claim of claim 10, is patentable over Schulze, Jr. in view of Sidlinger.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (See, also, MPEP §§ 706.02(j) and 2144.)

For this particular rejection, the Examiner's statement of the rejection effectively states that Schultze, Jr. expressly or impliedly suggests claim 1, the base claim of claim 10. Applicant respectfully traverses this implication by the Examiner. Regarding claim 1, Applicant respectfully submits that Schultze, Jr. does not disclose or suggest the claimed flexible bed comprising an outer portion that is folded over and connected to the inner portion of the flexible bed. Instead, Schultze, Jr. discloses that trim 112 is “folded to form two symmetrical halves which are stitched intermediate the width and along substantially the entire length thereof so as to be substantially parallel to the edges thus forming channel 14.” (See Schultze, Jr., column 6, lines 36-40, and Figure 10.) Because Schultze, Jr. does not disclose or suggest the claimed outer and inner portions of the claimed flexible bed, Schultze also cannot disclose or suggest the claimed channel extending around the peripheral of the claimed flexible bed. Further still,

because Schultze, Jr. does not disclose or suggest the claimed channel, Schultze, Jr. cannot disclose or suggest the claimed filament disposed within the claimed channel. Continuing, Schultze, Jr. does not disclose or suggest the claimed plurality of notches formed in the bed to provide access to an interior of the claimed channel.

Thus, contrary to the Examiner's implication, Shultze, Jr. does not expressly or impliedly suggest the subject matter of claim 1. Consequently, in order to support the present rejection, the Examiner's line of reasoning must be convincing as to why the artisan would have found the claimed subject matter to have been obvious in light of the teachings of Schulze, Jr. and Sidlinger (Pease?).

Regarding claim 10, the Examiner asserts that Schultze, Jr. does not disclose that each portion of the filament exposed by the notches does not have a V-ring configuration, and relies on Pease to form the subject matter of claim 10 (although Sidlinger is identified in the stated rejection).

Applicant respectfully submits that even if the Examiner's stated rationale for combining Schulze, Jr. and Sidlinger (Pease?) has merit, Sidlinger (Pease?) does not cure the deficiencies of Schultze, Jr. with respect to claim 1, the base claim of claim 10. Consequently, Applicant respectfully submits that the Examiner's line of reasoning is simply unconvincing as to why the artisan would have found the claimed subject matter to have been obvious in light of the teachings of Schulze, Jr. and Sidlinger (Pease?).

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 10.

#### **The Rejection Under 35 U.S.C. § 103(a) Over Ying In View of Shaw**

Claims 25, 26 and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ying, U.S. Patent No. 6,237,169 B1, in view of Shaw, U.S. Patent No. 4,863,156.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 25, 26 and 28 is patentable over Ying in view of Shaw.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious

in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (See, also, MPEP §§ 706.02(j) and 2144.)

For the present rejection, the Examiner does not state that either Ying or Shaw expressly or impliedly suggest the claimed subject matter. Consequently, in order to support the present rejection, the Examiner’s line of reasoning must be convincing as to why the artisan would have found the claimed subject matter to have been obvious in light of the teachings of Ying and Shaw.

Considering claim 25 first, the Examiner states “Ying discloses the device of claims 25, 26 and 28 substantially as claimed absent the teaching of the device wherein the filament extends the length of a channel and connects at opposite ends to form a loop ... .” (See Office Action, page 4, lines 17-19.) The Examiner characterizes Ying as having a plurality of filaments. (See Office Action, page 5, lines 1-4.) The Examiner then states at page 5, lines 5-9 of the Office Action:<sup>1</sup>

“Given the above teaching of manufacturing the filler material/connection points of springs of a trampoline to the mat, in the form of a continuous ring. The examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the filaments of Ying (13) of a continuous ring. The continuous ring providing a stronger support configuration and is a known alternate form of a filament means in the art.”

Applicant respectfully submits that the Examiner’s conclusion of manufacturing the filaments of Ying in a continuous ring ignores the true context of Ying. That is, Ying discloses a foldable trampoline. As such, Ying requires a plurality of filaments 13 so that the trampoline bed (i.e., jump cloth 11) can bend when the trampoline is folded. Applicant respectfully submits that modifying the plurality of filaments of Ying to be a continuous ring is a change in the principle of operation of Ying that is contrary to the actual disclosure and true context of Ying. Such a change in the principle of operation of Ying is contrary to *In re Ratti*, 270 F.2d.810, 123 USPQ 349 (CCPA 1959). (See, also, MPEP § 2143.01.) Moreover, Applicant respectfully submits that the Examiner’s proffered rationale relating to providing a stronger support

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<sup>1</sup> Applicant respectfully concludes that the reference to the “above teaching of manufacturing the filler material/connection points of springs of a trampoline to the mat, in the form of a continuous ring” must refer to Shaw, although the Examiner provides no express remarks regarding Shaw.

configuration is completely without merit in view of the actual disclosure and true context of Ying.

Thus, Applicant respectfully submits that the Examiner's line of reasoning is convincing as to why the artisan would have found the claimed subject matter of claim 25 to have been obvious in light of the teachings of Ying and Shaw. It follows that claims 26 and 28, which incorporate the features of claim 25, are each allowable over Ying in view of Shaw for at least the same reasons that claim 25 is considered allowable.

Accordingly Applicant respectfully submits that it is only by impermissible hindsight that the Examiner is able to reject claims 25, 26 and 28 based on the combination of Ying in view of Shaw. The Examiner does not state that either Ying or Shaw expressly or impliedly suggest the claimed subject matter. Moreover, the Examiner has not presented a convincing line of reasoning as to why the artisan would have found the claimed subject matter to have been obvious in light of the teachings of Ying and Shaw. Moreover, the Examiner improperly changes the principle of operation of Ying to arrive at the claimed subject matter. It is only by using Applicant's disclosure as a template that the Examiner is able to select particular features of Ying and Shaw through a hindsight reconstruction of Applicant's claims to make the rejection.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 25, 26 and 28.

### **Claim 27**

The Examiner provides no specific detail regarding a rejection of claim 27. Regardless, Applicant respectfully submits that claim 27 is allowable over the applied art for at least the same reasons that claim 25 is considered to be allowable over the applied art.

Applicant notes that additional patentable distinctions between Plante, Moeller, Schultze, Jr., Sidlinger, Ying and Shaw and the rejected claims exist; however, the foregoing is believed sufficient to address the Examiner's rejections. Additionally, failure of Applicant to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by

the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Applicant does not agree.

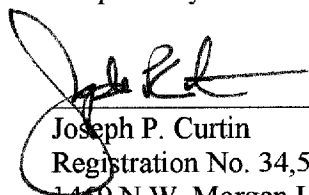
**CONCLUSION**

In view of the above amendments and arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

It is requested that this application be passed to issue with claims 1-28.

Respectfully submitted,

Date: March 17, 2008

A handwritten signature in black ink, appearing to read "J. P. Curtin", is written over a horizontal line.

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